REMARKS

The present invention is a media content delivery service point device and a process of updating files in a service point device database of a media content delivery service point device including a media content delivery service point device controller. A media content delivery service point device in accordance with an embodiment of the invention includes a service point device database 24 for storing a plurality of files; a user input device 26 for selecting selected media files from the plurality of media files in the service point device database to be outputted or a user electronic interface coupled via a wireless link which may be a Bluetooth link as described in paragraph [0016] of the specification for selecting media files in the service point device database to be outputted; an output device 30 or 32 for outputting the selected media files; an external data interface 38 for receiving media files for storage in the service point device database; an integrated circuit card interface 28 adapted to hold an integrated circuit card having encoded thereon criteria for accepting the received media files for storage in the service point device database; a media content delivery service point controller 22, responsive to selection by the user input device of at least one of the selected media files stored in the service point device database, to apply the at least one selected media file to the output device for outputting, and responsive to receipt of the external data interface of media files, to compare each of the received media files received from the external data interface with the criteria from the integrated circuit card and the media content delivery service point controller controls storage in the service point device database of the received media files received by the external data interface which

meet criteria on the integrated circuit card held in the integrated circuit card interface; and wherein the plurality of media files stored by the service point device database are not stored in the integrated circuit card. A preferred application of the present invention is for the delivery of media to a media terminal or a kiosk 20 which has been generically claimed as a service point device. See [0023] of the Substitute Specification.

Claims 1-45 stand rejected under 35 U.S.C. §103 as being unpatentable over United States Patent 6,594,692 (Reisman) in view of United States Patent 6,587,873 (Nobakht et al). These grounds of rejection are traversed for the following reasons.

The Examiner recognizes the deficiencies of Reisman:

> Reisman did not expressly teach an integrated circuit card interface adapted to hold an integrated circuit card having encoded thereon criteria for accepting the received media files for storage in said database; and in responsive to receipt by said external data interface of media files, to compare each of the received media files received from the external data interface with the criteria from the integrated circuit card, and the controller control is further adapted to store in said system database the received media files received by said external data interface which meet criteria on an integrated circuit card held in said integrated circuit card interface; and wherein the plurality of media files stored by the system database are not stored in the integrated circuit card.

The Examiner states in Section 9 of the Office Action that Reisman suggests exploration of the art and/or provides a reason to modify the delivery system with other storage devices such as an integrated circuit (IC) to enable flexible and appropriate online service charging mechanism for online media products with the Examiner relying upon column 2, lines 39-48; column 10, lines 52-67; column 29, lines 62-67; and column 62, lines 29-32. It is submitted that a person of ordinary

skill in the art would not consider any of the aforementioned portions of Reisman to suggest modification of Reisman's delivery system with an integrated circuit card. Specifically, column 2, lines 39-48, merely refer to online service charging mechanisms which do not suggest the use of an integrated circuit card for controlling storage of media files in a service point device database as claimed. Column 10, lines 52-67, generally describe the use of a hard disk for storage of fetched additional information services 26 in what is described as either non-volatile or non-volatile permanent or persistent storage. However, none of this would be considered by a person of ordinary skill in the art to suggest the use of an IC card. Column 29, lines 62-67, refer to a user's station, workstation, computer or terminal being an intelligent device including storage which would not be considered by a person of ordinary skill in the art to suggest the use of an IC card. Finally, column 62, lines 29-32, are a standard closing statement used in numerous patents suggesting the other embodiments are possible which would not be considered by a person of ordinary skill in the art to suggest the use of an integrated circuit card.

Accordingly, it is submitted that the Examiner has not justified his conclusion pertaining to modification of Reisman to utilize an integrated circuit card. If the Examiner persists in the stated grounds of rejection, it is requested that he point out on the record how the foregoing portions of Reisman or other portions of Reisman suggest to a person of ordinary skill in the art the utilization of an integrated circuit card as claimed.

The Examiner's reliance upon Nobakht et al is misplaced. Nobakht et al do disclose the use of a smart card 232 in order to enable a user terminal 130-A which includes a set top box 131. While the smart card 232 does contain a non-volatile

memory 330, which includes a write protect fence, as may be seen in Fig. 3(B). The information which is stored in memory 332 includes the customer number 331, user pin 332, home page URL 333, password 334, POP information 335 and user age 336.

There is no disclosure in Nobakht et al pertaining to the use of an IC card which is analogous to the claimed integrated circuit card which provides criteria for accepting received media files for storage in a service point device database. The information stored by Nobakht et al does not pertain to media files and in fact, is merely information which is part of the setting up of a session. For example, column 6, lines 34-41, describe the smart card being inserted into socket 215 as a start of the overall process of a user terminal session where selected channel numbers are enabled. Fig. 7 sets forth an authorization process which involves the smart card but which does not pertain to the storage of criteria for accepting received media files for storage in a service point device database and does not disclose a media content delivery service point controller and processing as claimed. See column 12, lines 36-67 through column 14, lines 1-11.

Accordingly, if the proposed combination of Reisman and Nobakht et al was made, the subject matter of the independent claims 1 and 22, which require the utilization of an integrated circuit card containing criteria for selecting media files with the criteria of the integrated circuit card being utilized to control storage in the service point device database which meet the criteria encoded on the integrated circuit card would not be achieved.

It is submitted that the teachings of Reisman do not pertain to claimed media content delivery service point device.

The Examiner has not demonstrated a motivation why a person of ordinary skill in the art would be led to modify the teachings of Reisman with the teachings of Nobakht et al except by impermissible hindsight. The discussion above sets forth the reasons why the Examiner is erroneous in concluding that Reisman discloses a basis why a person of ordinary skill in the art would be motivated to utilize an integrated circuit card in the manner set forth in the claims.

Moreover, the system of Nobakht et al has not been demonstrated by the Examiner to pertain to the delivery of information in a system of Reisman of the type disclosed in Fig. 1. It is submitted that the channel based Internet delivery network system of Nobakht et al would not be considered by Reisman to provide any basis for combining with Reisman given the diversity of the delivery mechanisms.

The dependent claims define further aspects of the present invention which are not rendered obvious by the proposed combination of Reisman and Nobakht et al.

In view of the foregoing amendments and remarks, it is submitted that each of the claims in the application is in condition for allowance. Accordingly, early allowance thereof is respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. §1.136. Please charge any shortage in fees due in connection with the

filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (0171.39113X00) and please credit any excess fees to such Deposit Account.

Respectfully submitted,

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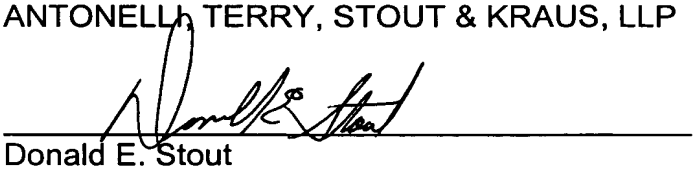

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